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little authority against the validity of such legislation, and that there is some authority for it. The friends of city planning may yet hope.

CONSTITUTIONAL LAW—INVOLUNTARY SERVITUDE.—The defendant was convicted under a statute of Iowa (§ 2407 of the Supplemental Supplement to the Code) which provided that a person who had been once found guilty of contempt for violating a liquor injunction shall, for each subsequent violation and consequent contempt of court, be punished by imprisonment in the state penitentiary at hard labor for not more than one year. Upon appeal, the defendant invoked the protection of the provision found both in the state constitution and in the Thirteenth Amendment to the Constitution of the United States prohibiting involuntary servitude except for crimes of which the person has been duly convicted. *Held*, that the statute in question was unconstitutional. *Flannagan v. Jepson* (Iowa 1916), 158 N. W. 641.

Is the punishment provided for in this statute "involuntary servitude" within the meaning of the Thirteenth Amendment? Justice BREWER defines the term as "A condition of enforced compulsory service of one to another." *Hodges v. United States*, 203 U. S. 16, 27 Sup. Ct. 8, 51 L. Ed. 65. "Imprisonment at hard labor, compulsory and unpaid, is, in the strongest sense of the words, 'involuntary servitude'." *Ex parte Wilson*, 114 U. S. 417, 5 Sup. Ct. 935, 29 L. Ed. 89. And yet there are cases where one has been held to forced labor and the courts have decided that under the facts no constitutional right was infringed thereby. A familiar example is the compulsory performance by sailors of their contracts. *Robertson v. Baldwin*, 165 U. S. 275, 17 Sup. Ct. 326, 41 L. Ed. 715. The requirement from certain persons of a stipulated amount of labor on the public highways is held not to be violative of the Thirteenth Amendment, though such work is in a sense involuntary servitude. *Dennis v. Simon*, 51 Ohio St. 233, 36 N. E. 832; *Butler v. Perry*, 240 U. S. 328, 36 Sup. Ct. 258, 60 L. Ed. —, commented on in 14 MICH. L. REV. 598. There are certain services which may be commanded of every citizen by his government and obedience enforced thereto. Among these services is training in the militia. *In re Dassler*, 35 Kans. 678, 12 Pac. 130. Though the statement last quoted was not necessary to the decision in the case, who will insist that the Thirteenth Amendment is violated by compulsory service in defense of the nation? The apprenticing of children by parents or by the state under its tutorial power and compelling them to perform labor proper to be required according to their ages cannot be said to be violative of the Thirteenth Amendment. *Kennedy v. Meara, et al.*, 127 Ga. 68, 56 S. E. 243, 9 Ann. Cas. 396. The principal case does not come within any of the enumerated exceptions, nor can any reason be alleged why an additional exception should be made to fit the facts set out above. The court has inherent power to punish for contempt, and mere imprisonment as a punishment for contempt is violative of no constitutional right. *Eilenbecker v. Dist. Ct.*, 134 U. S. 31, 10 Sup. Ct. 424, 33 L. Ed. 801. The Thirteenth Amendment does permit involuntary servitude as a punishment for crime, but this clause has no bearing upon the constitutionality of the statute in question, as contempt of court is not a crime. *Martin v. Blattner*, 68 Iowa 286, 25 N. W. 131; *State*

v. *Stevenson*, 104 Iowa 50, 73 N. W. 360. The court, determining that this statute permitted involuntary servitude for an offense not adjudged a crime, held it to be in violation of the Thirteenth Amendment and therefore unconstitutional. See 11 MICH. L. REV. 159.

CONSTITUTIONAL LAW—REFERENDUM AS POLITICAL QUESTION.—Whether or not a state has ceased to be republican in form within the meaning of the guaranty of United States Constitution, Article 4, Section 4, because it has made the referendum a part of the legislative power, is not a judicial question, but a political one, which is solely for Congress to determine. *State of Ohio ex rel. Davis v. Hilderbrant* (1916), 36 Sup. Ct. 708.

It will be noticed that the Constitution does not itself define the term "republican form of government." It has, however, always been an accepted rule of construction that technical and special terms used in the Constitution are to be given that meaning which they had at the time that instrument was framed. Turning to history contemporary with the framers of the Constitution and recalling their love of liberty and desire for the fullest political freedom, is it not probable that the phrase "republican form of government" was used as a guarantee against any monarchical rule that might threaten a state rather than as a denial of a free and unhampered democratic form of government? The political philosophy of many of the framers favored a centrifugal as opposed to a centripetal system and a consequent desire that as much power should be left in the people as was compatible with a representative system of government. Judge COOLEY on page 45 of his *Constitutional Limitations* (7th Edition) states that the purpose of this guarantee is to "protect a Union founded on republican principles, and composed entirely of republican members, against aristocratic and monarchical innovations." But whether the adoption of the referendum by the citizens destroys the republican form of government in the state is a political question. *Pacific States Telephone & Telegraph Co. v. Oregon*, 223 U. S. 118, 56 L. Ed. 377, 32 Sup. Ct. 224. Political questions are to be determined by Congress. *Luther v. Borden*, 7 How. 1, 12 L. Ed. 581; *Neely v. Henkel*, 180 U. S. 109, 45 L. Ed. 448, 21 Sup. Ct. 302; *Riverside County v. San Bernardino County*, 134 Cal. 517, 66 Pac. 788; *Parker v. State*, 133 Ind. 178, 32 N. E. 836, 33 N. E. 119, 18 L. R. A. 567. The only difficulty about the question seems to arise from a failure to realize that the legislative duty of determining the political questions involved in deciding whether or not a government is republican in form is entirely different and separate from the judicial power and duty of upholding and enforcing, whenever it becomes necessary in a controversy properly submitted, the applicable provisions of the Constitution as to each and every exercise of governmental power.

CORPORATIONS—CORPORATION AS PLAINTIFF IN ACTION FOR LIBEL.—X Navigation Co., a corporation, charges in one count that D caused to be published in a newspaper the statement that X Navigation Co. had unfairly discriminated in freight and passenger rates, a statutory offense punishable by a heavy fine; and on the second count charges a signed statement by D in a news-